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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-first session

Summary record (partial)* of the 1308th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 7 July 2015, at 3 p.m.

Chairperson: Ms. Hayashi

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined third to seventh periodic reports of Senegal (continued) (CEDAW/C/SEN/3-7; CEDAW/C/SEN/Q/3-7 and Add.1)

1. *At the invitation of the Chairperson the delegation of Senegal took places at the Committee table.*

Articles 7 to 9

2. **Ms. Leinarte** said that she commended the delegation on the fact that 43 per cent of the members of parliament were women, placing Senegal just behind Sweden in that regard, a situation that had occurred thanks to the adoption of a law on gender parity in electoral lists. National parliaments were the guardians of women's rights because their role was to represent the rights of all citizens; parliament's involvement in the implementation of the Convention was crucial. She would therefore welcome the inclusion of a female member of parliament in the State party's delegation during the next dialogue with the Committee. Noting that the gender parity law required male candidates to be alternated with female candidates on all electoral lists, she said that while such a "zebra-style" listing system had been effective during parliamentary elections, it was not implemented by political parties during elections to their own internal bodies. What measures was the Government taking to change lasting negative stereotypes regarding women's participation in political life? What special temporary measures had been introduced to ensure gender equality in all elections, including those of the governing bodies of political parties? Did rural women have the same opportunities to hold public office as urban women? Regarding women ambassadors, of whom there were seven, it would be useful to have official statistics on women's participation in decision-making and political life, the diplomatic service and the work of international organizations. Was such data collection mandatory? And was the compilation of statistics carried out routinely? There were no data on women in governmental positions or the judiciary. More detailed information was needed about concrete public assistance to women's non-governmental organizations (NGOs).

3. **Mr. Sene** (Senegal) said that rural women had the same opportunities to stand for election as urban women, because the lists were compiled in exactly the same way. There had also been parity in the electoral lists of all governing bodies at the time of the elections. The public authorities wanted women to be decision makers. Regarding the diplomatic service, in order to become a career diplomat it was necessary to pass a competitive examination at the National School of Administration and gain a diploma from that School. The examination did not take gender into account and simply tested a person's ability; moreover, it was possible that women were not interested in pursuing diplomatic careers. However, if women were interested and accepted by the National School of Administration, they could become members of the diplomatic service.

4. **Mr. Seye** (Senegal), referring to internal elections within political parties, said that the parties were private associations and therefore able to organize themselves as they wished. The possibility of the Government providing assistance to civil society organizations was under consideration. The Government supported that action and, in his view, such assistance would not compromise those organizations' independence.

5. **Ms. Toure** (Senegal), referring to the fact that women made up nearly half of the membership of the National Assembly, said that the Assembly played an important part in the implementation of the law on gender parity in elections. That law had first

been applied during the most recent legislative elections. Since the electoral lists were drawn up by the political parties, those parties also played an important role in the implementation of the law. However, the parties were dominated by men, who had considerable influence over the nomination of candidates. Consequently, the Government was endeavouring to raise awareness among female members of political parties, and for that reason a committee on follow-up of the implementation of the law had been established in partnership with civil society organizations. The committee membership included women from most political parties and from civil society organizations. The law on gender parity covered both rural and urban women. In local elections that had taken place in June 2014, the representation of women in local governing bodies had tripled, rising to 47.2 per cent, thanks to the implementation of the gender parity law. Civil society organizations were the State's strategic partners, and the Government was working to strengthen that partnership.

Articles 10 to 14

6. **Ms. Gbedemah** said that education was vital if the problem of child marriage was to be addressed and women were to take advantage of advisory services in negotiating their rights to land; it would also help women avoid onerous forms of work. Noting that vertical and horizontal segregation existed within the education system and that parity in the enrolment ratio of girls and boys did not extend beyond the primary school level of education, she asked whether the State party had tracked the girls who had not gone on to higher education to see what they did. Stressing that the illiteracy rate for women was 4 out of 10, as opposed to 6 out of 10 for men, with geographical variations, she asked how non-formal education had affected women's literacy. Noting that in rural areas 14.5 per cent of teachers were women, compared with 21 per cent in urban areas, she asked what incentives or temporary special measures beyond those described in paragraph 83 of the report were in place or envisaged to address the horizontal and vertical segregation.

7. Noting also that male students were more highly represented than female students in the sciences and in management studies and in both technical and university education, she asked what temporary special measures were envisaged to bridge the gender gap in technical and other higher education, increase access to education in rural areas and train more women teachers. She would appreciate it if the delegation could provide disaggregated data on scholarships. Noting that there was violence against girls in schools, with corporal punishment still being practised, and that the dropout rate for girls was very high, partly due to teenage pregnancies, she asked whether there were statistics on girls who had returned to school and the subjects they had studied and what measures had been taken to ensure that, once back in school, they continued their previous course of study. She asked how many people had been punished for sexual harassment, which was a problem in the educational system, and whether there were policies or guidelines in place. Regarding inclusive education and children with disabilities, she asked whether teachers were trained to provide inclusive education with equal opportunities and whether that was tested as part of their in-service training.

8. **Ms. Patten**, referring to the continuing gender disparity in employment opportunities, asked whether the Government was rethinking its employment policies in order to integrate a gender perspective and to what extent it was promoting an active and visible policy of mainstreaming a gender perspective in all policies and programmes. What employment creation strategies were being developed? What efforts were being undertaken to promote the access of women to occupations and sectors that were traditionally reserved for men? Were there any specific legal provisions on sexual harassment in the workplace in the Labour Code or other legislation, and was there a broad definition of sexual harassment in the workplace in

line with international norms? If not, were there plans to introduce relevant legal provisions? Noting that the Government had ratified the International Labour Organization (ILO) Equal Remuneration Convention, 1951 (No. 100) and ILO Holidays with Pay (Agriculture) Convention, 1952 (No. 101), she expressed concern that gender wage differentials were present in all occupations and across all skill bases. How was the Government addressing pay gaps in both the public and private sectors? Could the delegation clarify the sentence in paragraph 125 of the Government's replies concerning access to public service employment and equality in the area of taxation (*égalité fiscale*); how had the Government linked taxes and pay gaps? Noting that in the State party report reference was made to provisions of the Labour Code concerning collective agreements, she said that the principle of equal remuneration for work of equal value was not provided for in the legislation of Senegal and asked whether there were plans to review the Labour Code in order to give full effect to that principle. Referring to reports from alternative sources that the Government had been developing a bill on non-discrimination at work that would incorporate the principle of equal remuneration for work of equal value, she asked for information on the status of that bill and whether it would lead to amendments to articles 86 and 105 of the Labour Code. Noting that women victims of employment discrimination could not always bring their case to court for reasons relating to their disadvantaged social position, lack of access to legal assistance, or fear of reprisals, she asked what measures were in place to address the difficulties faced by women in speaking out and obtaining redress in courts and whether judges and lawyers were receiving training on the Convention and international labour standards. To what extent was the potential for the labour inspectorate to deal with issues of gender discrimination being used and to what extent was the inspectorate monitoring and enforcing compliance with the Labour Code?

9. Noting that paragraph 88 of the State party report mentioned that further efforts were needed with regard to women and girl domestic workers, she asked what those further efforts were, whether there were legal provisions to regulate domestic work, and to what extent the Government was committed to protecting domestic workers; was it considering ratifying the ILO Domestic Workers Convention, 2011 (No. 189)? She noted with concern the reports of the persistence of child labour, which affected many girls, and asked what the Government was doing to tackle the practice and to get the children off the streets.

10. **Ms. Chalal**, said that despite action taken to promote the health of women and children, indicators regarding health coverage were very divergent from standards previously set in the National Health Development Plan for the period 1997–2007. The table on health coverage indicated a shortage of nurses and State-employed midwives; it showed that there had been one nurse for every 4,687 inhabitants in 1994, and one for every 4,183 inhabitants in 2008. What specific measures were envisaged to reduce that shortage? Was there a plan for increasing the number of medical personnel together with indicators regarding follow-up?

11. Noting the persistence of high maternal mortality rates, which, at 4,010 deaths per 100,000 live births, would not enable the State to achieve the Millennium Development Goal of 127 deaths per 100,000 live births, she asked what financial resources were allocated to the training of paramedical personnel and to health care as a whole. She asked whether the State party intended to legalize abortion in cases of rape, incest or severe foetal impairment. What was the prevalence of unsafe abortion, broken down by region and by social and economic status? What influence did those abortions have on the mortality rate? How many women were sentenced for having had an abortion that had been judged illegal and how long were the sentences? Noting the high rates of women infected with HIV/AIDS and the increasing number of women with the disease, she asked what were the reasons for that trend. Did the

Government intend to increase the number of awareness-raising campaigns about the disease and involve all stakeholders, including the media? Access to sexual and reproductive health care was insufficient because of the high cost of care and women's lack of knowledge about ways of controlling their right to reproduce. What measures were being taken to provide those concerned with appropriate training, particularly rural women?

12. **Mr. Seye** (Senegal) said that the State party report had been exhaustive on the subject of article 10 and had described in detail the efforts made with regard to girls in education. A circular that called for the expulsion from school of pregnant girls had been cancelled and considerable follow-up efforts had been made to ensure that such girls were able to go back to school or to receive vocational training. All students were eligible for scholarships; excellence was the criterion according to which they were awarded. Many efforts were being made to increase the percentage of women and girls in full-time education. He agreed that statistics were lacking in certain areas, despite the existence of a National Statistics and Demographics Agency. Regarding the incidence of girls being raped in schools, over and above the provisions of the Criminal Code, much awareness-raising directed at parents and teachers was taking place, so that it was almost impossible for teachers to escape punishment for the offence. A national report on disabilities contained data on inclusive education, which he would be pleased to share with the Committee.

13. **Ms. Wade** (Senegal) said that salaried women workers had been taxed on their salary on the same basis as men since 2008. The only difference was that women had to submit appropriate documentation to the Ministry of Finance in order to justify their status. The Ministry of Women, Children and Female Entrepreneurs saw that equal tax treatment as a positive step towards equality between women and men workers but would try to have women released from the additional requirement of having to provide documentation. That Ministry, supported by ILO, was also collaborating with the Government in its reforms of employment policy with a view to eliminating provisions that were discriminatory against women.

14. As for the situation of domestic workers, she said that her Ministry was cooperating with civil society organizations and trade unions to influence Government policy toward those workers. She hoped that Senegal would soon ratify the ILO Convention No. 189.

15. **Mr. Sene** (Senegal) said that the sole criterion for employment in the civil service was to have passed the competitive recruitment examination. Once hired there was no difference in salary or treatment between men and women. The only factor affecting a civil servant's career was merit, which, coupled with the fact that civil servants were permanent employees, meant that civil servants were not subject to harassment or intimidation.

16. **Ms. Sibi** (Senegal) said that Senegal had been an early adopter of policies to help persons with disabilities, including with regard to their right to work. It had for example established a school for the visually impaired, the graduates of which functioned as well as anyone in their respective jobs. A law adopted recently instituted a quota for candidates sitting recruitment examinations with disabilities. The community of persons with disabilities was well organized and worked diligently to assert their rights.

17. The law and the Constitution prohibited discrimination between men and women. There had been much progress in the situation of women and there were even high-ranking women officers in the armed forces and the gendarmerie. In the judiciary women and men judges of the same rank and qualifications received exactly the same salary. With regard to domestic labour, she said that domestic workers, like any other

group of workers, had to organize and increase awareness of their rights. That work had begun and her Government assisted in organizing information sessions in that regard. Women in Senegal had always been active in demanding their rights and must continue to do so, because their Government was ready to listen.

18. Women had free access to the justice system to redress violations of their rights. Many women lawyers and judges were leaders in defending women's rights and assisting women victims of violence or human rights violations in lodging complaints. The Government's promotion of more accessible justice, based on the community justice centres, provided women with a cost-free option for resolution of a complaint at the local level. She underscored that harassment was a crime but could be difficult to prove in court. Unfortunately, women often had difficulty providing sufficient evidence to justify their claim of harassment and charges were dropped as a result.

19. **Mr. Sene** (Senegal) said that one of the priorities of the Emerging Senegal Plan was to promote the agricultural sector with a view to achieving food self-sufficiency; most job creation would therefore be in that sector. With regard to improving maternal health, he said that 500 nurses and midwives had recently been hired. While Senegal did not have many hospitals that provided secondary or tertiary care, health facilities that offered primary care were widely available across the country. The fact that Senegal had escaped the recent Ebola epidemic was a sign that the health-care system was effective.

20. **Ms. Ba** (Senegal) said that the number of maternal deaths per 100,000 births was dropping and currently stood at 392. In order to address the shortcomings of the health-care system the Ministry of Health had launched a human resources development plan; in 2014, 1,000 new health-care workers, including 500 midwives, had been recruited, and 1,000 more workers, in particular specialists and nurses, would be recruited in 2015. Her Government intended to ensure that each region had a hospital that offered secondary care, and specialized centres for cancer management, kidney transplants and maternal health would be established in the capital and the regions. University-level health training institutes would be established in the regions to train medical and paramedical personnel.

21. She said that staffing problems could be explained in part by the fact that health-care workers could sometimes get better pay and conditions in the private sector. Her Government was, committed however, to making the public system an attractive alternative, with a view to guaranteeing universal access to care at an affordable price. Women's lack of information about their health issues and about the services available to them was a factor that negatively affected their access to health care. That underscored the important role the many community-based health initiatives played in informing women about their health issues, organizing regular medical visits and encouraging testing and screening programmes, which contributed greatly to prevention and early detection.

22. The overall HIV/AIDS rate in Senegal was relatively low, at 0.7 per cent. Nevertheless, while 10 years before twice as many men as women were infected, currently that ratio had been reversed. That reversal could be explained by the fact that women were physiologically more susceptible to infection. Furthermore, for economic and societal reasons, the man was often the dominant partner, making it difficult for the woman to insist on safe sex. Her Government was working to change that situation.

23. Women were imprisoned for having an illegal abortion, because they were considered to be guilty of infanticide. She would provide statistics to the Committee on the number of women hospitalized as a result of complications following an illegal abortion and she stressed that post-abortion care was available to all women. There

were estimated to be over 51,000 abortions every year in Senegal, or 17 for every 1,000 women of reproductive age. Efforts were under way to encourage safe abortions, promote the use of contraception and provide family planning services. Contraception use had increased from 12 to 20 per cent of women in the past 2 years and should reach 25 per cent by the end of 2015. Discussions were under way regarding a bill on abortion to be submitted to the National Assembly that would reflect the provisions of article 14 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) relating to abortion in cases involving rape or incest, risk to the mother's health or foetal impairment.

24. Great progress had been made in training women health-care professionals. Currently half of graduating doctors and dentists were women and the proportion of women in the health-care field continued to grow. That increase was not a result of women being directed towards fields typically considered to be for women; women were free to train for any type of job, be it welding, auto mechanics or health care. The goal of the Emerging Senegal Plan was to ensure that men and women played equal roles in the development of the nation.

25. **Ms. Gbedemah** recalled that the purpose of the Convention was to ensure full equality between men and women; if women represented approximately 50 per cent of the population that should be reflected in the educational system. Women were well represented at the lower levels but their participation rate dropped considerably in the higher education sector; for example only 23.1 per cent of university graduates in agriculture were women. The report also indicated that 90 per cent of students in the professional, industrial and technical fields were boys. She wondered what measures were envisaged to ensure full equality for women at all levels and in all fields and would appreciate information on the results of any measures already adopted.

26. **Ms. Patten** said that she was concerned at provisions of the law that constituted discrimination against women, for example those listed in paragraph 12 of the list of issues. She also had information that at one time a woman who had a dependent child could not become a civil servant. Such provisions hindered the economic empowerment of women and she asked whether the State party intended to repeal or amend such measures to ensure equal treatment for women.

27. **Mr. Seye** (Senegal) said that women were underrepresented in tertiary education because of such factors as gender stereotyping, early marriage or pregnancy and their early entry into the domestic labour sector. Progress was being made, however: girls were encouraged to stay in school, including after pregnancy; bursaries and prizes were available for girl students in the sciences; a leadership programme had been established for girl science students; and his Government planned to raise the legal age for marriage to 18. The elimination of problems and imbalances at the basic level should translate into more equal participation by women at the higher levels of the educational system and in all fields of study.

28. **Ms. Ba** (Senegal) said that young people and adolescents had access to a number of programmes to inform them about health care, including sexual and reproductive health and family planning. The Ministry of Education provided health-care information as part of the school curriculum and the Ministry of Youth and Promotion of Civic Values also provided information through its centres for adolescents. The Ministry of Health likewise contributed to health-care education efforts directed at young people.

29. **Ms. Niang** (Senegal) added that intermediate level schools offered courses in sexual and reproductive health. The Ministry of Women, Children and Female Entrepreneurs also worked to disseminate health-care information. She noted that

cultural norms were often a barrier to discussion of sexual and reproductive health but her Government was making every effort to implement the Committee's recommendations.

30. **Mr. Sene** (Senegal), in response to Ms. Patten, said that there was no ban on a woman with a dependent child entering the civil service; the only criteria were education and merit.

31. **Ms. Pomeranzi** said that, despite the legal framework in place and the institutional measures introduced, women in many parts of Senegal continued to face obstacles and discrimination in respect of access to credit and land tenure. For example, customary law in some cases prevented women from inheriting land and allowed husbands to stop their wives from acquiring it. She wished to know what strategies were being adopted to address this worrying situation, which was particularly acute in rural areas. She would also be interested to know how many women had been provided with access to credit and employment assistance under the Integrated Economic and Social Development Programme and other funds and initiatives and how the Government evaluated the effectiveness of such social programmes.

32. **Ms. Gabr** said that she welcomed the outcome of the recent local elections, which had shown an increase in women's participation and empowerment in the electoral process. She would be grateful for further information on the social services provided to women, particularly in terms of housing, sanitation and drinking water. She would be interested to know what percentage of the national budget for education and health were earmarked for rural women. She wished to know what steps were being taken to overcome the difficulties faced by women, in particular small farmers in rural areas, in becoming landowners. She also asked how the Government was dealing with the problem of land grabs by major agricultural multinationals, which had a particular impact on women. She said that the delegation should comment further on the inheritance laws and what was being done to ensure that women fully enjoyed the right to inherit property, noting that there were many Muslim countries where sharia law did not apply in personal status matters such as inheritance. She would welcome information on the number of women with disabilities in the country and what measures were being taken to help them, the number of women in prison and their conditions of detention and the situation of older women.

33. **Mr. Seye** (Senegal) said that, although constitutional and legislative provisions established the principle of gender equality in landownership, it was true that women continued to face real problems in practice because of customary rules that prevented them from inheriting land. In addition, they lacked the financial resources necessary to fulfil the legislative requirement of making productive use of the land. In order to remedy this situation, the President had recently established a committee, headed by an eminent scholar, to develop proposals on reforms to the land law, which dated back to 1963. The committee was due to submit its conclusions shortly and was addressing all of the concerns raised by the Committee members.

34. **Ms. Niang** (Senegal) said that, under the Emerging Senegal Plan, great importance was attached to economic growth created by all citizens, both men and women. A range of mechanisms was in place to enable men and women to access resources and basic services. However, traditional practices that hindered women's landownership persisted; the degree of difficulty in accessing land varied depending on the region. Women had voiced their opinions and now eagerly awaited the recommendations of the committee on land reform.

35. **Mr. Seye** (Senegal) said that the agricultural land policy, under which community farms were created, took account of the particular problems faced by women and aimed to maximize the number of women who owned land.

36. **Mr. Sene** (Senegal) said that representatives of the ministry responsible for microfinance travelled around the country to provide funding to women who had set up their own development projects, such as handicraft businesses. Remittances from the diaspora in the amount of CFAF 3 billion were also used to finance women's projects.

37. **Ms. Niang** (Senegal) said that a number of special funds had been set up to extend the level of credit available to women, including the National Women's Credit Fund, the National Fund for the Promotion of Female Entrepreneurship, the Microfinance Promotion Fund and a new fund specifically for women in rural areas.

38. **Ms. Siby** (Senegal) said that there were concerns with regard to the fact that women only received social benefits when their husbands were not working. However, women had included that issue among the demands made on International Workers' Day and it would be addressed as the country's ongoing societal changes continued. Female prisoners had special quarters, were allowed to choose and cook their own food and regularly received personal items. Some 27 women were in prison for abortion.

Articles 15 and 16

39. **Ms. Halperin-Kaddari** said that, since such provisions as a husband's prerogative to prevent his wife from practising a separate profession had been revoked, the State party appeared to be of the view that women in Senegal, including married women, enjoyed full legal capacity and complete equality under the law. However, the State party report itself recognized that the term "marital power" still applied under the Family Code. It could thus not be said that article 15 of the Convention was being implemented because there was still such formal discrimination against women. She wondered whether the Government was planning to revoke the relevant provisions.

40. It was regrettable that, although the State party report referred to the existence of civil, religious and customary laws, it gave no explanation of the actual normative framework governing the family. She wished to know what proportion of marriages were unregistered and how discriminatory customary laws, such as levirate marriage, were being addressed. Recalling the Government's responsibility to ensure that all marriages were registered so that all married women's rights were safeguarded, she drew attention to the Committee's general comment No. 29 in that regard.

41. There was no justification for maintaining the traditional practice of polygamy. Information was needed on the scale of the phenomenon, which appeared to be widely accepted. The reference to women's free choice when opting for polygamy was, in her view, an oxymoron. Polygamy was forced on women and could not be presented as a free choice. She was concerned that the dowry system (régime dotal) and community of property regime were the prerogative of men who chose monogamous marriages. She asked how the Government ensured that young women were able to make informed decisions about marital property regimes prior to marriage. The dowry system was discriminatory by definition, as it was only the husband who had administrative powers over the wife's endowed assets, and never the other way around.

42. She was also concerned at the alarming rate of child marriage in Senegal and the fact that, although the legal marriage age for women was 16, under the Criminal Code only marriage of girls under the age of 13 was a criminal offence punishable by a

prison term. She wondered how the State party intended to eradicate the practice both in law and in practice. The rules on inheritance, under which only males could inherit the entire estate, appeared to be the only direct reference to Islamic law that had been formally incorporated into the Civil Code. She wondered why the most restrictive and discriminatory interpretation of Islamic law had been chosen and whether there were any plans to change it. With regard to child custody, noting that the law provided only for paternal authority, she asked what happened in reality when parents separated or divorced.

43. **Mr. Sene** (Senegal) said that it must be borne in mind that the population of Senegal was 95 per cent Muslim. When a couple was being married, the civil registrar gave both parties the option of choosing either a polygamous or monogamous marital regime. The wife was not obliged to sign the contract if she did not agree with the option of polygamy. Once the couple had opted for polygamy, it was no longer possible to apply a shared property regime, as the husband could not leave his property to just one wife if he had three or four wives. With regard to child marriage, a bill was being drafted to raise the legal marriage age for women to 18. Customary marriage continued to be practised largely in rural areas where a large proportion of the population was illiterate, and it would take time for mindsets to change.

44. **Ms. Siby** (Senegal) said that, although it persisted in many areas, customary law did not have legal effect and there were no customary courts in Senegal. All issues related to the family were governed by civil law, such as the Civil Code and Family Code. Women were not forced to enter into polygamous marriages and had the option of refusing to marry if they objected. However, it was true that women in rural and urban areas did not necessarily have the same capacity of discernment, and in rural areas many women did not see polygamy as a problem. Such deep-rooted traditions survived but Senegalese society was gradually evolving.

45. **Ms. Niang** (Senegal) said that, under Senegalese law, the number of wives permitted in a polygamous marriage was defined at the outset and could not subsequently be increased, even if the husband divorced or was widowed. Similarly, if a man opted for monogamy in his first marriage he could not request polygamy for a subsequent marriage. Efforts were being made to progressively change mentalities, and it was hoped that polygamy would gradually die out. Debate on the issue must involve both men and women.

46. **The Chairperson** thanked the delegation for the constructive dialogue, which had provided further insights into the situation of women in Senegal. She commended the State party on its efforts to date and encouraged it to take all of the necessary measures to act on the Committee's recommendations and ensure more comprehensive implementation of the Convention.

47. **Mr. Sene** (Senegal) thanked the Committee for its interest in the women and girls of Senegal and for its constructive comments. More than ever, Senegal was committed to pursuing its efforts to protect and support women and ensure that they were real actors in the country's developments.

The discussion covered in the summary record ended at 5.05 p.m.